

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TK POWER, INC.,

No. C-04-5098 EMC

Plaintiff,

v.

**ORDER RE PARTIES' JOINT LETTER
OF FEBRUARY 27, 2006**

TEXTRON, INC.,

(Docket No. 109)

Defendant.

The Court has received and reviewed the parties' joint letter dated February 27, 2006.

Having considered the argument of counsel therein, and good cause appearing therefor, the Court hereby orders that the parties exchange via overnight delivery (to be received no later than Friday, March 3, 2006) one charger in each of their respective possessions. Absent stipulation, neither side shall have the right to have their expert accompany the charger or observe the testing by the other side.

The parties shall have until March 22, 2006 within which to file supplemental expert reports on this round of testing. The deadline for expert discovery is extended to March 31, 2006.

Because of Textron's delay in agreeing to the exchange, Textron shall be responsible for the *incremental* cost incurred by TK Power *above and beyond* that which would have been incurred had

///

///

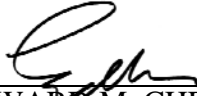
///

///

1 the exchange been completed within the time frame proposed by TK Power (such as the cost of
2 reassembling the lab). Upon completion of the testing, TK Power shall submit a declaration
3 explaining and detailing such incremental cost.

4
5 IT IS SO ORDERED.

6
7 Dated: February 28, 2006

8 
9 EDWARD M. CHEN
10 United States Magistrate Judge
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28